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Attorneys for Plaintiff Barbara A. Grant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Barbara A. Grant,)	Case No.
)	
Plaintiff,)	
)	COMPLAINT
v.)	
)	(Fair Credit Reporting Act
Experian Information Solutions, Inc, an Ohio)	15 USC § 1681 <i>et seq</i>)
corporation;)	
Trans Union LLC, a Delaware limited liability)	DEMAND FOR JURY TRIAL
company; and)	
Equifax Information Services LLC, a Georgia)	
limited liability company,)	
)	
Defendants.)	
)	

Preliminary Statement

1. This is an action for damages brought by plaintiff Barbara A. Grant against defendants Experian Information Solutions, Inc. (“Experian”), Trans Union LLC (“Trans Union”) and Equifax Information Services LLC (“Equifax”) for violations of the Fair Credit Reporting Act, 15 USC §1681 *et seq.* (FCRA).

The Parties

2. Plaintiff Barbara Grant is an individual consumer.

1 13. Beginning in March 2011 and to date, Trans Union has reported that plaintiff's
2 Chapter 7 bankruptcy was discharged and that ten (10) credit accounts that belonged to her were
3 included in bankruptcy.
4

5 14. Anyone checking the record of events beginning July 1, 2013, in the bankruptcy
6 proceeding with any care would have seen that ultimately there was no discharge in the proceedings.

7 15. Plaintiff's disputes with respect to Equifax were as follows:

- 8 a. On May 30, 2013, plaintiff sent a letter to Equifax disputing its reports that she
9 received a discharge in the bankruptcy proceeding. She enclosed a copy of the order
10 dated April 7, 2009, vacating the discharge entered two days before. In response, on
11 July 1, 2013, Equifax sent plaintiff the results of its investigation, which was that the
12 bankruptcy was currently reported as discharged and that eleven (11) of plaintiff's
13 credit accounts had been included in bankruptcy.
14
- 15 b. On May 2, 2014, plaintiff sent a second letter to Equifax in which she disputed its
16 reports that she had received a discharge in bankruptcy. She enclosed the order dated
17 July 1, 2013, vacating the discharge that had been entered due to clerical error. On
18 May 30, 2014, Equifax sent plaintiff the results of its investigation which were that
19 "the bankruptcy is currently reporting as discharged" and that seven (7) credit
20 accounts had been included in bankruptcy.
21

22 16. Plaintiff's disputes with respect to Trans Union were as follows:

- 23 a. On April 16, 2013, plaintiff sent a letter to Trans Union disputing its reports that
24 she received a discharge in the bankruptcy proceeding. She enclosed a copy of the
25 order dated April 7, 2009, vacating the discharge entered two days before. In
26 response, on May 17, 2013, Trans Union sent plaintiff the results of its
27 investigation, which was that the bankruptcy was currently reported as discharged
28 and that nine (9) of plaintiff's credit accounts had been included in bankruptcy.

- 1 b. On May 30, 2013, plaintiff send a second letter to Trans Union in which she
2 disputed its reports that she had received a discharge in bankruptcy. She enclosed the
3 order dated April 9, 2011, vacating the discharge that had been entered due to
4 clerical error. On June 11, 2013, Trans Union sent plaintiff the results of its
5 investigation which were that the disputes had previously been investigated and no
6 changes were made. Trans Union also questioned the authenticity of the order that
7 plaintiff submitted.
- 9 c. On July 9, 2013, plaintiff sent Trans Union a third letter disputing its report that a
10 discharge had been entered in the bankruptcy proceeding. Plaintiff enclosed a true
11 copy of the court's July 1, 2013, order vacating the discharge erroneously entered on
12 July 1, 2013. Plaintiff listed nine (9) credit accounts that belonged to her that should
13 be reported as included in bankruptcy. In response, on August 11, 2013, Trans
14 Union stated that it would continue to report the nine (9) accounts as included in
15 bankruptcy.
- 17 d. On May 3, 2014, plaintiff sent Trans Union a fourth letter demanding deletion of its
18 erroneous entries concerning the bankruptcy proceeding. Plaintiff enclosed copies of
19 the orders vacating the two erroneously entered discharges. Plaintiff listed the
20 accounts that should be reported as included in bankruptcy. In response, Trans
21 Union changed its report on the bankruptcy proceeding itself to "Chapter 7
22 bankruptcy dismissed," but it continued to erroneously report five (5) accounts as
23 having been included in bankruptcy.

25 17. Plaintiff's disputes with respect to Experian were as follows:

- 26 a. On June 4, 2013, plaintiff sent a letter to Experian in which she stated her
27 bankruptcy proceeding had not resulted in a discharge. She enclosed a copy of the
28 April 7, 2009, order vacating the first discharge. Experian's July 7, 2013, results

of its investigation stated that plaintiff's bankruptcy proceeding was discharged and that ten (10) of plaintiff's credit accounts were "included in Chapter 7 Bankruptcy on March 25, 2011." The latter date was when the bankruptcy court entered a discharge order a second time through clerical error.

b. On May 3, 2014, plaintiff send a second letter to Experian in which she stated she did not receive a discharge in bankruptcy. She enclosed both court orders vacating the erroneously entered discharge orders, including the order dated July 1, 2013. On May 15, 2014, Experian sent plaintiff the results of its investigation which were that "the Chapter 7 bankruptcy [was] discharged." Experian added the following statement to eleven of plaintiff's credit accounts under Account History: "Filed Chapter 7 Bankruptcy on Nov 12, 2008."

18. As a result of defendants' conduct, plaintiff has suffered actual damages in the form of (a) lost credit opportunities, b) harm to credit reputation and credit score, and (c) emotional distress in the form of mental pain, anguish, humiliation, embarrassment, anxiety and frustration.

First Claim: Violations of the Fair Credit Reporting Act—Against Experian, Trans Union and Equifax

19. Plaintiff incorporates by reference ¶¶ 1 through 18.

20. Defendants failed to comply with 15 U.S.C. § 1681c(d)(1) that provides that when a bankruptcy proceeding is withdrawn, the agency shall include that fact in its reports:

Any consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer that arises under Title 11 shall include in the report an identification of the chapter of such Title 11 under which such case arises if provided by the source of the information. If any case arising or filed under Title 11 is withdrawn by the consumer before a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.

21. The FCRA provides that if the completeness or accuracy of any item of information contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the

1 consume notifies the agency directly of such dispute, the agency shall conduct a reasonable
2 reinvestigation to determine whether the disputed information is inaccurate, or delete the item from
3 the file within 30 days of receiving the consumer's dispute notice. 15 USC § 1681i(a)(1) (A).
4

5 22. In conducting its reinvestigation of disputed information in a consumer report, the
6 credit reporting agency is required to "review and consider all relevant information submitted by the
7 consumer."

8 23. Within the two years preceding the filing of this complaint, plaintiff notified
9 defendants about the inaccuracies contained in its reports and asked them to correct the inaccuracies.

10 24. Defendants failed to conduct a reasonable reinvestigation of the inaccuracies that
11 plaintiff disputed.
12

13 25. Defendants each failed to review and consider all relevant information submitted by
14 plaintiff.

15 26. Defendants failed to report that plaintiff's bankruptcy filing was withdrawn by
16 plaintiff before final judgment.

17 27. Defendants failed to employ and follow reasonable procedures to assure maximum
18 possible accuracy of plaintiff's credit reports, information and file in violation of 15 USC § 1681e(b).
19

20 28. As a result of the above-described violations of § 1681i and § 1681e(b), plaintiff has
21 sustained damages.

22 29. The violations of the FCRA were willful and therefore plaintiff is therefore entitled to
23 also seek statutory and punitive damages.

24 30. The agencies' violations of the FCRA were willful and therefore plaintiff is entitled to
25 also seek statutory and punitive damages.
26

27 PRAYER

28 WHEREFORE, plaintiff prays for judgment as follows:

1. Actual, statutory and punitive damages;

2. Injunctive relief;
3. Costs and attorney's fees; and
4. Such other relief as the Court may deem proper.

Dated: July 16, 2014.

ANDERSON, OGILVIE & BREWER LLP

By /s/ Mark F. Anderson
Mark F. Anderson
Attorney for Plaintiff
DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues.

Dated: July 16, 2014.

ANDERSON, OGILVIE & BREWER LLP

By /s/ Mark F. Anderson
Mark F. Anderson
Attorney for Plaintiff